

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

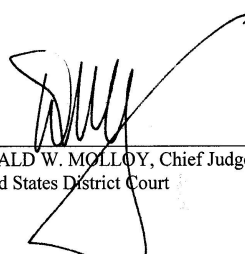
DALE MICHAEL HANSON,)	CV 05-94-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
VALERIE WILSON,)	
)	
Defendant.)	
_____)	

United States Magistrate Judge Leif B. Erickson entered Findings and Recommendation in this matter on November 16, 2005. Plaintiff Dale Hanson did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Erickson found that Hanson's Motion for an Injunction Against State of Montana is barred by the Eleventh Amendment because the State of Montana has not waived its sovereign immunity. Judge Erickson also pointed out that the State of Montana is not a party to this action. The Court finds no clear error with Judge Erickson's conclusion.

Accordingly, the Court adopts the Findings and Recommendation in full. It is therefore HEREBY ORDERED that Defendant's Motion for an Injunction Against the State of Montana (**dk**t #3) is DENIED.

DATED this 29th day of March, 2006.



DONALD W. MOLLOY, Chief Judge
United States District Court